

# **Scheme of Delegation of Development Control Decisions to Officers**

Approved by the Planning and Development Control Committee on 26 October 2010 and amended by that committee on 1 November 2011, 12 June 2013 and 9<sup>th</sup> March 2016

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**All matters within the Constitution's Terms of Reference for the Planning and Development Control Committee which are not reserved to Full Council or the Committee are delegated to the Director of Planning, Transportation and Economic Development as set out below:**

## **1 APPLICATIONS AND NOTIFICATIONS**

### **A Subject To Non-Officer Referral to Committee**

Approval or refusal of all applications and notifications to the City Council under planning legislation (other than those listed under B below), except:

1. Where a Member of the City Council has asked that the matter be reported to Committee;
2. Where officers consider that the matter should be reported to Committee;
3. Approval of a development which is contrary to a specific proposal of the local development framework or adopted Neighbourhood Plan;
4. Approval of an application where 6 or more objections on planning grounds relevant to the proposal are received in the form of letters or a petition before the decision is made;
5. Approval of significant development proposals of the City Council;

### **B Not Subject To Non-Officer Referral to Committee**

1. Notifications of prior approval for permitted development under General Permitted Development Orders, and all other decisions or responses to notifications under planning legislation that are required to be made within a time limit of less than 8 weeks
2. Provisional Tree Preservation Orders (TPOs) and determining whether or not to make TPOs in Conservation Areas as a result of notification of the intention to carry out work to those trees.
3. Making Hedgerow Retention Notices.
4. Making screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
5. Applications for non-material changes to a planning permission.
6. Applications for certificates of lawfulness
7. Discharging conditions that require matters to be agreed with or carried out to the satisfaction of the City Council as local planning authority.

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8. Applications for confirmation of compliance with a condition or conditions attached to a planning consent.
9. Making a direction under Article 4 of the Town and Country Planning (General Permitted Development Order) 1995 to prevent the carrying out without specific planning permission of permitted development which is subject to prior notification\*.

Confirmation of a direction if there is an objection must be reported to committee

## **2 ENFORCEMENT ACTION**

### **A Subject To Non-Officer Referral To Committee**

All decisions to take or not to take enforcement, discontinuance or prosecution action under planning legislation in relation to a breach of planning control (other than action listed under B below) except:

1. Where a Member of the City Council has asked that the matter be reported to Committee;
2. Where officers consider that the matter should be reported to Committee;
3. Where a relevant planning decision has previously been taken by the Committee contrary to officer advice;
4. A decision not to take action in relation to a breach of planning control about which 6 or more named persons have complained on planning grounds in the form of letters or a petition before the decision is made;
5. A decision not to serve or to substantially vary an Enforcement Notice authorised by Committee unless the requirements have been complied with.
6. When at least 14 days had not elapsed from the relevant list of cases being sent to Members

### **B Not Subject To Non-officer Referral to Committee**

1. Service of a Planning Contravention Notice.
2. Service of a Breach of Condition Notice.
3. Service of a Section 215 notice (untidy site).

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4. Service of a Stop Notice relating to a breach of control subject to an enforcement notice
5. Initiate prosecution proceedings against illegal poster panel advertisements and flyposting.
6. Initiate prosecution proceedings following unauthorised work to or felling of a tree protected by a Tree Preservation Order.
7. Initiate prosecution proceedings to secure compliance with a notice served in accordance with a Committee resolution or under this scheme of delegation.
8. Initiate prosecution proceedings in relation to unauthorised works to or demolition of a listed building.
9. Service of a temporary stop notice.

## **3 OTHER MATTERS**

### **Not Subject To Non-Officer Referral to Committee**

1. Response to notifications concerning places of worship under the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) (England) (Amendment) Order 2010.
2. Response to notifications and consultation from other bodies relating to the City Council's planning function, including consultation on planning applications, Local Plans, Neighbourhood Plans or Supplementary Planning Documents outside the City from other planning authorities or Neighbourhood Planning Forums.
3. To decide and issue a certificate of Appropriate Alternative Use after consultation with the City Barrister & Head of Standards.
4. Discharging conditions which require matters to be agreed with or carried out to the satisfaction of the City Council as local planning authority.
5. Completion and variation of Section 106 Agreements and Unilateral Undertakings which relate to development outside the City boundary
6. Completion and Variation of Section 106 Agreements relating to applications determined under Delegated authority
7. The consideration and determination of all non-executive matters concerning conservation areas, and buildings of architectural or historic interest or buildings of local significance

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and sites of archaeological interest including preparation and adoption of Conservation Area Appraisals, Directions and Orders relating to the preservation of character and amenity of the built and natural environment of the City

8. Decisions on any planning matter reserved to Council or Planning and Development Control Committee that the Director (in consultation with the Chair and Vice Chair) considers need to be taken without delay to avoid significant adverse consequences for the Council, the City or its Citizens



Andrew L Smith

Director of Planning, Transportation and Economic Development

# Planning, Transportation and Economic Development



**Date:** February 2016  
**To:** Andrew Smith  
**From:** Grant Butterworth  
**Ext:** 375044

## Knighton Neighbourhood Plan

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### 1. Purpose of Report

- 1.1 Seek approval (through delegated authority) on the proposed Knighton Neighbourhood Plan boundary.
- 1.2 Outline next steps, in particular agree process for public consultation on 'Application for the Designation of a Neighbourhood Forum'.

### 2. Background

- 2.1 Neighbourhood Plans gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They provides a set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic aims (e.g. housing and employment) identified in approved local plan documents i.e. Adopted Core Strategy and saved Local Plan policies.
- 2.3 Local Planning Authority's make decisions at key stages of the process, such as approving the neighbourhood area, organising the independent examination of the plan and the community referendum that is held at the end of the process.

### 3. Knighton Neighbourhood Plan

- 3.1. The emerging 'Knighton Neighbourhood Forum' is in the early stages of preparing a Neighbourhood Plan. They are seeking approval from the city council on the Knighton Neighbourhood boundary.

3.2. They have also submitted an application for the designation of a Neighbourhood Forum.

### **Knighton Neighbourhood Boundary**

3.3. Following discussions between the city council and Knighton community members, public consultation for a proposed boundary ran for a period of 7 weeks, from 3<sup>rd</sup> September to 15<sup>th</sup> October 2015. The purpose of the consultation was to seek comments on the proposed neighbourhood boundary from the local community.

3.4. The plan area consulted upon was based on a number of factors:

- The similarity of housing types in the area;
- The importance of the neighbourhood centre;
- The relatively older average population compared to the rest of Leicester; and
- School catchment areas

3.5 A total of 33 responses were received following public consultation. A summary of representations received is contained in **Appendix 1**.

3.6 Although 19 of the 33 people agreed with the proposed boundary, others expressed concern that it failed to take into account the full catchment area for Overdale School. As a result a revised boundary was submitted to the city council as shown in **Appendix 2** for which approval is now sought.

### **Application for Designation of a Neighbourhood Forum**

3.7 An application (**See Appendix 3**) has also been received for the Knighton Neighbourhood Forum. The application proposed a list of 26 members.

3.8 If the boundary is approved, we must now consult upon this application via the Council website for a minimum of 6 weeks. Representations can only be made on whether members of the group are reflective of the Knighton Neighbourhood Forum.

#### **4. Next Stages**

- 4.1. If the proposed boundary is approved, the city council issues a notice of adoption - normally a signed copy of the report and accompanying top sheet.
- 4.2. Agree 6 week public consultation on the application for the 'Designation of a Neighbourhood Forum'.
- 4.3. If no problems with the membership of the forum are identified via the consultation, another notice of adoption is issued confirming membership of neighbourhood forum.
- 4.4. At this point the Knighton Neighbourhood Forum can formally start to produce a plan.
- 4.5. Provide update to City Mayor, including outcome of public consultation on Neighbourhood Forum consultation.

#### **5. Legal Implications**

- 5.1 The Localism Act 2011 has introduced a new right for communities to come together to draw up a neighbourhood development plan. In areas without a parish or town council, local people will need to decide which organisation should lead on coordinating the local debate and establish a Neighbourhood Forum. Local people can choose to draw up either a neighbourhood development plan or a neighbourhood development order.
- 5.2 With a neighbourhood development plan, communities will be able to establish general or appropriately detailed planning policies for the development and use of land in a neighbourhood. They will be able to say, for example, where new homes and offices should be built, and what they should look like. The neighbourhood plan will set a vision for the future. It can be detailed, or general, containing a few or a great many policies depending on what local people want.
- 5.3 The Localism Act sets out basic conditions that neighbourhood development plans must meet:
  - i. must have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State
  - ii. must contribute to the achievement of sustainable development
  - iii. must be in general conformity with the strategic policies contained in the development plan for the area
  - iv. must not breach, and be otherwise compatible with, EU and Human Rights obligations
- 5.4 There are new duties on local authorities to:
  - i. Confirm the status of a proposed neighbourhood forum
  - ii. Confirm the geographical area of the proposed neighbourhood plan

- iii. Provide expertise and advice to neighbourhood forums or parish councils
  - iv. Check legal conditions have been met
  - v. Appoint an independent examiner with the consent of the Parish council or neighbourhood forum
  - vi. Hold referendums
  - vii. Make neighbourhood plans where all requirements have been met
- 5.5 The Neighbourhood Planning (General) Regulations 2012 set out the procedure for the designation of neighbourhood areas and neighbourhood forums and for the preparation of neighbourhood development plans.
- 5.6 The Localism Act places a duty on local planning authorities to assist communities in the preparation of neighbourhood plans and to take the plans through a process of examination and adoption. However, these responsibilities must be set within the context of the existing responsibilities of local planning authorities. They are required to plan for their area and work with and consult the local community as part of this process.
- 5.7 Under Section 116 and Schedule 9 Part 2 a neighbourhood development plan is defined as a plan which sets out policies in relation to the development and the use of the land in the whole or in any part of a particular neighbourhood area specified in the plan.
- 5.8 A neighbourhood development plan:
  - a) must specify the period for which it is to have effect.
  - b) may not include provision about development that is excluded development, and
  - c) may not relate to more than one neighbourhood area.
- 5.9 Only one neighbourhood development plan may be made for each neighbourhood area.
- 5.10 If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.
- 5.11 Regulations made by the Secretary of State may make provision in the neighbourhood development plan as follows:
  - i. restricting the provision that may be included in neighbourhood development plans about the use of the land.
  - ii. requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
  - iii. prescribing the form of neighbourhood development plans.
- 5.12 The Council must publish each neighbourhood development plan that they make as prescribed by the regulations made by the Secretary of State.

**Author: Amanda Nauth (Legal Services)**

## Appendix 1 – Summary of Received Representations

### **CONSULTATION ON THE KNIGHTON NEIGHBOURHOOD PLAN AREA BOUNDARY**

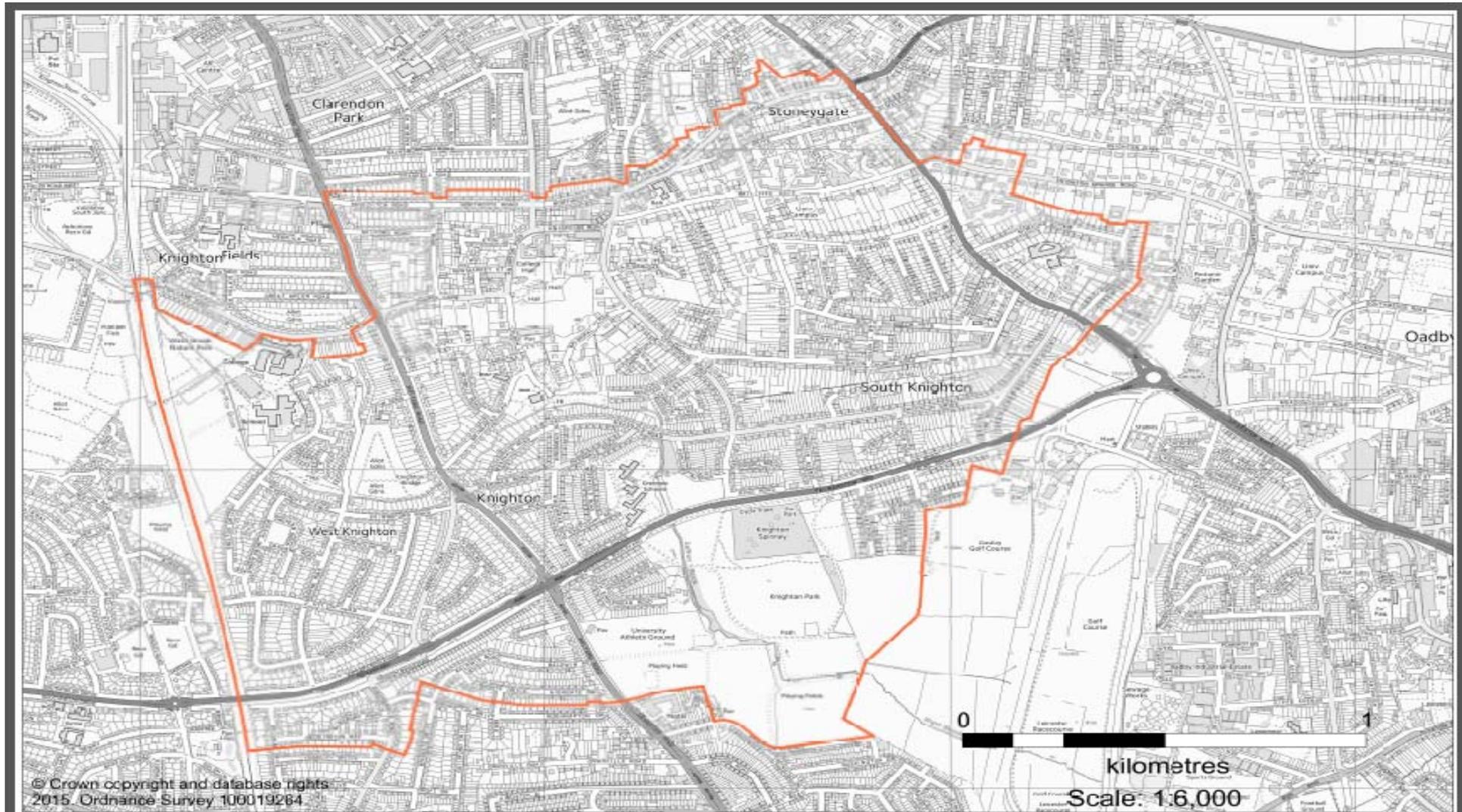
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#### **Summary of Received Representations**

Leicester City Council received a total of 33 responses during the consultation period, running from 3<sup>rd</sup> September to the 15<sup>th</sup> October 2015. Below is a breakdown of views of those that responded to the consultation:

For the initial boundary:	<b>57.6%</b>
Against the initial boundary:	<b>24.4%</b>
No opinion on the matter:	<b>18.2%</b>

**Appendix 2 – Proposed Knighton Neighbourhood Boundary**



## Appendix 3 – Application for the Knighton Neighbourhood Forum

Town and Country Planning Act 1990  
Neighbourhood Planning (General) Regulations 2012



# Application for the Designation Of a Neighbourhood Forum (Regulation 8)

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### General advice

When considering neighbourhood planning you need to be clear about what you are trying to achieve for your area. In particular are neighbourhood development plans the best means to achieve your vision for the community?

The Forum must be representative of the designated Neighbourhood Area. It is crucial that all interests are represented as this will increase likelihood of success at the Referendum.

Whilst some support is available the most energy, time and resource that is put into developing a Plan is from the community. From start to finish the average plan takes between 18 months to 2 years.

We strongly recommend that you read the guidance on the [Neighbourhood Planning](#) pages on the LCC website, and utilise independent advice from [Locality](#) - the government appointed partnership to assist communities.

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**Before you return this form to the Council please ensure you have submitted all necessary information.**

### Application Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in delay in determining the application.

- Membership list of at least 21 people from across the Neighbourhood Area
- A map showing the approved Neighbourhood Area
- The Neighbourhood Forum constitution
- A statement setting out the type of issues the group want to address through a Neighbourhood Plan.
- A statement confirming that the Forum will promote or improve social, economic and/or environmental wellbeing, has at least 21 members and membership is open.

<p><b>Publication of application on the Leicester City Council website</b></p>
<p>Please note that the information provided on this application will be published on the Council's website. If you require any further clarification, please contact Community Services.</p>
<p>In accordance with Regulation 9 (Publicising a Neighbourhood Forum Application), Leicester City Council will publicise, and invite comments on the application for a minimum period of 6 weeks.</p>



5.	[REDACTED]			Y		
6.	[REDACTED]			Y		
7.	[REDACTED]			Y		
8.	[REDACTED]			Y		
9.	[REDACTED]			Y		
10.	[REDACTED]			Y		
11.	[REDACTED]			Y		
12.	[REDACTED]			Y		
13.	[REDACTED]			Y		
14.	[REDACTED]			Y		
15.	[REDACTED]			Y		
16.	[REDACTED]			Y		
17.	[REDACTED]			Y		
18.	[REDACTED]			Y		
19.	[REDACTED]			Y		
20.	[REDACTED]			Y		
21.	[REDACTED]			Y		

(please use a separate sheet if you need to)

#### 4. Neighbourhood Forum Area

The Neighbourhood Area must be **approved** by Leicester City Council prior to applying for Neighbourhood Forum status. Please provide a map of the **designated** Neighbourhood Area to which this application applies.

#### 5. Neighbourhood Forum Intention

Please describe the issues in your area that you would like to address through Neighbourhood Planning.

Housing
Green space and high quality open spaces
Environment
Heritage and conservation
Climate change and flooding
Transport

## 6. Neighbourhood Forum Constitution

Please provide a copy of the written constitution of the proposed Neighbourhood Forum.

## 7. More about the Forum

Please provide a statement setting out how the proposed Neighbourhood Forum meets the following conditions. (This is a requirement under Regulation 8(e)):

1. The Forum is established for the purpose of promoting or improving the social, economic and environmental wellbeing of the area, in particular the statement should explain what the Forum will do to achieve these purposes.
2. The Forum's membership is open to individuals who live or work in the area, or individuals who are Elected Members whose area falls within the neighbourhood area concerned;
3. The Forum's membership includes a minimum of 21 individuals; and
4. The Forum has a written constitution.

## 8. Declaration:

I hereby apply to designate a neighbourhood area as described on this form and the accompanying plan.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

*11th December 2015*

Please return this completed form to:  
Planning  
City Hall,  
115 Charles Street,  
Leicester,  
LE1 1FZ

Or email:  
[planning.policy@leicester.gov.uk](mailto:planning.policy@leicester.gov.uk)

**NB.** Please retain a copy of this form for your records and should your circumstances or contact details change then please let the appropriate contact officer know.

This information will be held in accordance with the Data Protection Act 1998 and information contained herein shared with officers and elected Members from Leicester City Council and retained for 3 years.

Membership list continued.

	Full Name	House Number	Postcode	Must be local to the area concerned (please tick)		
				Resident	Business Owner/ Worker	Elected Member
22.	[REDACTED]	[REDACTED]	[REDACTED]	Y		
23.	[REDACTED]	[REDACTED]	[REDACTED]	Y		
24.	[REDACTED]	[REDACTED]	[REDACTED]	Y		
25.	[REDACTED]	[REDACTED]	[REDACTED]	Y		
26.	[REDACTED]	[REDACTED]	[REDACTED]	Y	Y	Y

**Statement Regarding Neighbourhood Forum**

1. The Forum is established for the purpose of promoting or improving the social, economic and environmental wellbeing of the area, in particular the statement should explain what the Forum will do to achieve these purposes.

The Constitution of the Forum states (Para 4):

*The overall aim of the Forum is to promote and enhance the physical, social and economic environment of the Neighbourhood Area.*

The Forum will seek to achieve this through its objective (Para 5):

*The objectives of the Forum are:*

*(a) To prepare and seek approval for a sustainable Neighbourhood Plan (as defined by the Localism Act 2011);*

*(b) To keep the approved Neighbourhood Plan under review to ensure its relevance and appropriateness to the changing needs of the Neighbourhood Area;*

*(c) To encourage and promote the goodwill and involvement of the wider community throughout the Neighbourhood Area, to ensure full participation in, and ownership of, the preparation, production, development and implementation of the Neighbourhood Plan;*

*(d) To ensure effective implementation of the policies contained in the Neighbourhood Plan, so far as it is within the power of the Forum to do so;*

*(e) To foster, encourage and develop high standards of planning appropriate to the needs of the Neighbourhood Area.*

In addition, the Forum may seek to extend its life beyond that required to produce the Neighbourhood Plan and undertake projects for the benefit of the Knighton Neighbourhood Area.

2. The Forum's membership is open to individuals who live or work in the area, or individuals who are Elected Members whose area falls within the neighbourhood area concerned;

Membership of the Forum is open and is defined in the Constitution (Para 9):

*(a) There shall be a minimum of 21 members, or such other minimum number as may from time to time be prescribed by law. The Secretary shall maintain and keep up to date a register of members and junior members.*

*(b) Any individual residing or working in the Neighbourhood Area and who has attained the age of 16 shall be eligible to become a member of the Forum. An individual aged under 16 is eligible to become a Junior Member, but without voting rights or eligibility to be elected to the Steering Group.*

*(c) Membership of the Forum is open to any constituted voluntary or community group which operates in the Neighbourhood Area. Such a group may nominate up to two representatives, but only one such nominee shall have the right to vote on and occasion when a vote is taken.*

*(d) Any individual elected as a representative for any local authority ward falling in whole or in part within the Neighbourhood Area is entitled to become a member and to remain so during his or her period of office.*

*(e) The Forum shall take all reasonable steps to ensure that individuals from all parts of the Neighbourhood Area are aware of, and have the opportunity to join, the Forum, and attend its meetings, and the Forum shall promote opportunities of membership across the Neighbourhood Area.*

*(f) Any individual eligible to join the Forum shall be entitled to do so. A member or junior member shall cease to be so if that individual ceases to satisfy the criteria for membership set out in paras 9(a), (b) or (c) above, or is excluded from membership by virtue of para 15 below.*

3. The Forum's membership includes a minimum of 21 individuals;

The current membership list has been provided.

4. The Forum has a written constitution.

The Constitution has been provided.